

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION NO.28 OF 2007
IN
CHAMBER SUMMONS NO.733 OF 2005
IN
EXECUTION APPLICATION NO.175 OF 2004

Prasad Co-op. Credit Society Ltd.

...Petitioners

v/s

Mr Tribhuvan T. Tripathi

...Respondent

Ms Priya Ranade i/b Mr V.V. Phadke for Petitioners.
None for Respondents.

CORAM : D.K. DESHMUKH J.
DATE : 4TH JUNE 2007.

P.C.

:-

1. Admitted position is that the petitioners had obtained money decree against one Arvind Tripathi. In proceedings filed for executing that money decree, property admittedly belonging to the respondent - Tribuvan Tripathi was attached. He took out chamber summons for lifting of attachment. In that chamber summons, the petitioners accepted that the property should not have been attached because it does not belong to the judgment debtor. In the order lifting attachment, the Court has recorded that the respondent - Tribuvan Tripathi stated before the Court that he will pay the debt and because the respondent did not make payment of the debt, this contempt petition has been filed. As admittedly there is no decree against the respondent - Tribuvan Tripathi, merely because he said that he will pay the debt, in my opinion, it will not be proper to initiate contempt proceedings against the respondent. Contempt petition is disposed off.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.